

 **05hr_AC-CC_ab0394_pt01**



 (FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on Corrections and the Courts...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Assembly

Record of Committee Proceedings

Committee on Corrections and the Courts

Assembly Bill 394

Relating to: county of placement for persons on supervised release.

By Representatives Honadel, Cullen, McCormick, Sinicki, Staskunas, Stone, Vukmir, Zepnick and Pridemore; cosponsored by Senators Plale, Carpenter, A. Lasee and Reynolds.

April 27, 2005 Referred to Committee on Corrections and the Courts.

September 7, 2005 **PUBLIC HEARING HELD**

Present: (10) Representatives Bies, Gundrum, Underheim, Owens,
Suder, LeMahieu, Pope-Roberts, Wasserman, Seidel,
Parisi.

Absent: (0) None.

Appearances For

- Representative Mark Honadel – 21st Assembly District
- Senator Jeff Plale – 7th Senate District

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- John Balcerzak – Milwaukee Police Association
- William Ward – Milwaukee Police Association

Registrations Against

- None.

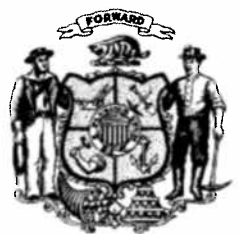
May 4, 2006

Failed to pass pursuant to Senate Joint Resolution 1.

Andrew Nowlan
Committee Clerk

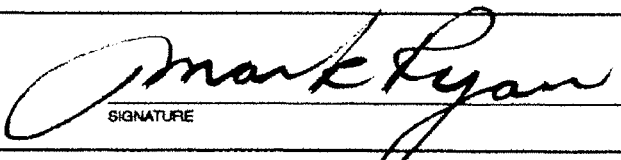


WISCONSIN STATE LEGISLATURE



RECORD OF COUNTY BOARD AND COUNTY EXECUTIVE ACTIONS 3327 R2		<input checked="checked" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance	COUNTY BOARD FILE NO. File No. 05-227
CERTIFICATION TO COUNTY BOARD PASSAGE	I certify that the attached resolution or ordinance was adopted by The Board of Supervisors of Milwaukee County at a meeting held on the <u>28th</u> day of <u>April</u> 20 <u>05</u> by a vote of <u>14</u> ayes <u>5</u> noes.		
	DATE SIGNED <u>4-28-05</u>		
	DATE SIGNED <u>4-28-05</u>		
COUNTY EXECUTIVE'S ACTION	I approve the attached resolution or ordinance.		
	DATE SIGNED <u>MAY 17, 2005</u>		
CERTIFICATION OF PUBLICATION	DATE PUBLISHED _____ DATE SIGNED _____ COUNTY CLERK _____		

RECEIPTS

BY COUNTY CLERK'S OFFICE	MAY 18 2005	
	DATE SIGNED _____	

APR 28 2005

on White pub.
amend.

on amend.

7-12

fails

Adopted

14-5

By Supervisors Rice, Borkowski, Cesarz, Weishan, Schmitt and Brodenick

APR 28 2005

A RESOLUTION

requesting the State to modify Chapter 980 of the State Statutes regarding Sexually Violent Person Commitments and placing requirements on the sale of county land for the siting of a transitional living facility for sexual offenders

FILE NO.

05-227

WHEREAS, Wisconsin State Statute Chapter 980, which relates to sexually violent person commitments, defines a sexually violent person as "a person who has been convicted of a sexually violent offense, has been adjudicated delinquent for a sexually violent offense, or has been found not guilty of or not responsible for a sexually violent offense by reason of insanity or mental disease, defect, or illness, and who is dangerous because he or she suffers from a mental disorder that makes it likely that the person will engage in acts of sexual violence"; and

WHEREAS, Chapter 980, also known as the sexual predator law, allows for civil commitment of certain sex offenders after they have completed their prison sentences to help ease their transition back into communities; and

WHEREAS, the State Supreme Court has ruled that Chapter 980 civil commitments of certain sex offenders must include the potential for release after they complete their prison sentences, which has resulted in efforts to find a location for the placement of a transitional living facility in Milwaukee County; and

WHEREAS, 2003 Wisconsin Act 187, among other things, created a committee known as the Sexually Violent Persons Transitional Facility Siting Advisory Committee ("Committee") to make recommendations regarding the location of a transitional facility for the housing of persons committed to the custody of the State Department of Health and Family Services under Chapter 980; and

WHEREAS, the legislation directed that the Committee shall consider all of the following factors when determining the criteria for the location of the facility or when determining specific locations for the facility:

1. Community safety
2. Proximity to sensitive locations
3. Ability to make the facility secure
4. Accessibility to treatment for the persons living in the facility
5. Payments that may be made in lieu of property taxes
6. Availability of tax incentives to a community to locate the facility within its jurisdiction
7. Proximity of the placement to all of the following:
 - a) The residence of other persons on supervised release

- 44 b) The residence of persons who are in custody of the department of
45 corrections and regarding whom a sex offender notification
46 bulletin has been issued to law enforcement agencies
47 c) Any facility for children of which the committee is aware
48 d) Any residential subdivision
49

50 WHEREAS, the Committee developed a list of possible locations in Milwaukee
51 County for the placement of the facility for sex offenders, which at one time included two
52 parcels of land owned by Milwaukee County, including 9201 S. 68th Street in Franklin and
53 10401 West County Line Road in Milwaukee; and
54

55 WHEREAS, the Committee appropriately removed the County-owned and other
56 sites from consideration after listening to the concerns of hundreds of residents who
57 testified that the sites were not appropriate for locating a facility for sex offenders; and
58

59 WHEREAS, given the challenging task confronting the Committee, additional
60 resources may be needed to find a suitable location and to effectively collaborate with the
61 community; and
62

63 WHEREAS, as of 2002, twenty-seven states used global positioning satellite (GPS)
64 technology to track over 1,200 sexual offenders allowing law enforcement personnel to
65 pinpoint their location and helping to prevent recidivism; and
66

67 WHEREAS, the Milwaukee County Board of Supervisors previously approved File
68 No. 03-557, (adopted 10/30/03, Vote 23-0) a resolution asking state policymakers, among
69 other things, to modify Chapter 980 legislation to better define the criteria for the release
70 and location of a transitional living facility for sexual offenders; now, therefore,
71

72 BE IT RESOLVED, that Milwaukee County will not consider the sale of county-
73 owned land for the purpose of siting a transitional facility for the housing of sexual
74 offenders unless the proposed location meets the criteria outlined in state law, the
75 conditions of this resolution, and conforms to all County Board policies and procedures;
76 and
77

78 BE IT FURTHER RESOLVED, that the Milwaukee County Board of Supervisors
79 reaffirms its support for Resolution 03-557, which, among other things, urged state officials
80 to:
81

- 82 1. support legislation to modify Chapter 980 so that more strict, clearly
83 defined, and uniform standards are applied to the determination of
84 eligibility for release of a Chapter 980 patient, with those new standards
85 being applied narrowly and only to cases with documented evidence of
86 extensive, successful treatment

87 2. make administrative rule and state statutory changes to mandate the
88 Department of Health and Family Services (DHFS) to provide public
89 notification to the surrounding community prior to a judge's order for
90 release of a sexually violent person
91

92 ; and
93

94 BE IT FURTHER RESOLVED, that the County Board of Supervisors urges the
95 Governor and the State Legislature to adopt administrative rule and statutory changes
96 within or related to Chapter 980 to:

- 97 • provide the Sexually Violent Persons Transitional Facility Siting Advisory
98 Committee the necessary resources to carry out its mission, and
99 effectively communicate its activities to the general public, local
100 government officials and other interested parties
- 101 • remove the requirement of returning offenders to their county of original
102 residence and provide sufficient state funding to ensure counties will not
103 be responsible for any related costs, including supervision and treatment
- 104 • allow for the placement of sexually violent persons into the most
105 appropriate location statewide, taking into account the criteria for the
106 location of the facility outlined in 2003 Wisconsin Act 187 and, as an
107 additional criterion, include the population density of the surrounding
108 community or region
- 109 • allow counties to periodically review treatment and release plans for
110 compliance with state statutes, report findings to the Governor, State
111 Legislature, and the Department of Health and Family Services
112

113 ; and
114

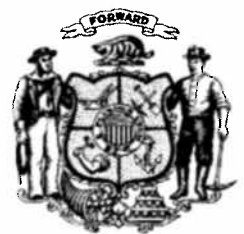
115 BE IT FURTHER RESOLVED, that the Milwaukee County Board of Supervisors
116 supports the use of the most advanced technology available for the purpose of protecting,
117 treating, deterring, and tracking sexually violent persons and Chapter 980 releases during
118 and after their transition into the community; and
119

120 BE IT FURTHER RESOLVED, that the Director of Intergovernmental Relations is
121 hereby authorized and directed to convey the position established by this resolution to the
122 Governor and members of the Wisconsin Legislature.
123

124 StephenCady\Resolutions\rice sexually violent persons chapter 980C.doc
125



WISCONSIN STATE LEGISLATURE



MARK R. HONADEL

STATE REPRESENTATIVE • 21ST ASSEMBLY DISTRICT

Testimony of Rep. Mark Honadel

September 7, 2005

Assembly committee on Corrections and the courts

Assembly Bill 394

Mr. Chairman, members of the committee;

Thank you for holding this hearing today on this complex and vital issue for Wisconsin. In order to understand the importance of this legislation, one first has to understand the history of the issue. This has been an issue Wisconsin has tried to deal with for over a decade now, and while this bill may not be the perfect fix, it goes a long way toward ensuring our communities, families and children in Wisconsin are protected.

1993 Act 479 created what we now refer to simply as Chapter 980 of the statutes. This is one of the most important laws we have, keeping violent sex offenders in civil commitment for treatment rather than openly released into Wisconsin without any supervision. Chapter 980 is not an extension of an offenders prison term, rather it commits the offender to treatment and civil confinement by the Department of Health and Family Services until they are deemed treated and ready for release.

The law has worked great across Wisconsin, keeping offenders away from children and families and under continued supervision. It has worked great everywhere except Milwaukee County, where no suitable site has been located to house the supervised offenders.

In 2001, Act 16 set aside \$1.3 million dollars to build a transitional house within Milwaukee County, unfortunately that act meant little until a suitable location could be found. The Legislature recognized this, and in 2003 we passed Act 187, establishing a committee charged with the duty of locating a suitable location. After months of public hearings, and numerous locations being turned down by the public and the committee, it is now clear that a suitable location within Milwaukee County will not be found.

Why does a location not exist? Simple—population density, number of schools and day cares, parks where families congregate, and a host of other problems. Milwaukee County is simply too dense to find a location that is safe for the surrounding community.

The fear that I have and that is shared by most who have looked into this issue in the past is that if chapter 980 is not allowed to work as intended, as a civil confinement and treatment by DHFS, not an extension of a prison sentence, a court will strike down the entire law as unconstitutional, releasing violent sexual offenders from the custody of DHFS, allowing them to roam free in Wisconsin without the state or the general public having any idea where these folks

Working For You!

Office

P.O. Box 8952, State Capitol
Madison, WI 53708-8952
(608) 266-0610

Toll-Free: (888) 534-0021
Fax: (608) 282-3621
Rep.Honadel@legis.state.wi.us

District

1219 Manitoba Avenue
South Milwaukee, WI 53172
(414) 764-9921

MARK R. HONADEL

STATE REPRESENTATIVE • 21ST ASSEMBLY DISTRICT

are living, or what they are doing. We all know the basic facts that recidivism among sexual offenders is higher than most, if not all, other criminals. That is why standing by and allowing chapter 980 to be eventually thrown out is a result we cannot allow. We must fix the law sooner rather than later, and recognize that this is not only a Milwaukee County problem, but a Wisconsin problem with dire consequences if we don't get it right soon.

AB 394 recognizes that, and establishes that safety, not location, should be the only consideration when deciding where to house individuals currently under Chapter 980. Other counties in Wisconsin have the ability to comply with the law, and are currently in compliance. Milwaukee County unfortunately cannot comply due to density of our population and the amount of children, schools and daycares within the county. We have to consider this a Wisconsin problem, and find the most suitable location statewide where the requirements of Chapter 980 can be fulfilled, and the community can be guaranteed safety.

Thank you again for holding this hearing today. I appreciate your willingness to work with Senator Plale and myself to find a solution to this crucial problem.

Working For You!

Office

P.O. Box 8952, State Capitol
Madison, WI 53708-8952
(608) 266-0610

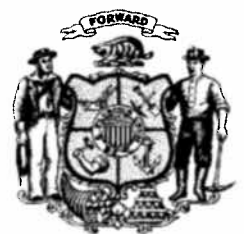
Toll-Free: (888) 534-0021
Fax: (608) 282-3621
Rep.Honadel@legis.state.wi.us

District

1219 Manitoba Avenue
South Milwaukee, WI 53172
(414) 764-9921



WISCONSIN STATE LEGISLATURE



AB 394

If 980 fails in Milwaukee Co. and ruled unconstitutional, the statute will fail state-wide.

Seder - N. Wi will become a "dumping ground" for sexual predators/offenders.

↳ All rural Wi will suffer greatly.

But Milw simply does not have the area.

> Other way to address the issue?
- Collective agreement